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UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

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**MAR 17 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Terranova, et al. : DECISION ON PETITION  
Application No. 10/528,722 :  
Filed: July 19, 2006 :  
Atty. Dkt. No: 282778US8XPCT :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed December 12, 2008.

The application was held abandoned for failure to timely submit a proper reply to non-final Office action mailed October 18, 2007. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed July 14, 2008.

Petitioners assert non-receipt of the non-final Office action in that applicants did not receive "e-notification" that the Office action was pending.

Internal USPTO investigation reveals applicants did not receive USPTO electronic notification concerning the non-final Office action dated October 18, 2007.

In view thereof, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated.

Further, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

This application is being forwarded to Group Art Unit 2167 for re-mailing of the non-final Office action. The time period for reply to the non-final Office action will be set forth therein.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions